

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**DAMIEN COLE RULEY,**

Plaintiff,

V.

**CPL. BOYD, ET AL.,**

Defendants.

Case No. 7:22CV00414

## OPINION

JUDGE JAMES P. JONES

*Damien Cole Ruley, Pro Se Plaintiff.*

The plaintiff, Damien Cole Ruley, proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. The court's initial Order in the case, ECF No. 3, notified Ruley of his responsibility to keep the court apprised of his current mailing address. The Order warned him that failure to comply with this requirement would result in dismissal of the action without prejudice. Clearly, the court must have a viable address by which to communicate reliably with Ruley about this case.

On November 30, 2022, the court mailed Ruley a Notice, ECF No. 21, regarding his opportunity to respond to the defendants' Motion to Dismiss. The court's mailing was returned as undeliverable to Ruley at the address he had provided. The returned envelope indicated that no forwarding address was available.

Based on Ruley's failure to comply with the court's Order regarding the need to update his mailing address, the court will dismiss the action without prejudice for failure to prosecute. *Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); *Donnelly v. Johns-Manville Sales Corp.*, 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

An appropriate Order will issue herewith.

DATED: December 28, 2022

/s/ JAMES P. JONES  
Senior United States District Judge